

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 9

In the Matter of

VOITH INDUSTRIAL SERVICES, INC.

Cases 9-CA-075496  
9-CA-078747  
9-CA-082437

and

GENERAL DRIVERS, WAREHOUSEMEN &  
HELPERS, LOCAL UNION NO. 89, AFFILIATED  
WITH THE INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS

and

INTERNATIONAL UNION, UNITED AUTOMOBILE,  
AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS  
OF AMERICA, AFL-CIO

and

UNITED AUTOMOBILE, AEROSPACE AND  
AGRICULTURAL IMPLEMENT WORKERS  
OF AMERICA, LOCAL UNION NO. 862, AFL-CIO

Cases 9-CB-075505  
9-CB-082805

and

GENERAL DRIVERS, WAREHOUSEMEN &  
HELPERS, LOCAL UNION NO. 89, AFFILIATED  
WITH THE INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS

**COUNSEL FOR THE ACTING GENERAL COUNSEL'S**  
**LIMITED CROSS EXCEPTIONS TO**  
**THE ADMINISTRATIVE LAW JUDGE'S DECISION**

The Acting General Counsel takes the following limited cross exceptions to the decision of  
the Administrative Law Judge in this matter:

1. The Administrative Law Judge's conclusion that the Employer did not violate Section 8(a)(1) of the Act when Regional Manager Brett Griffin threatened to discharge employees if they did not wear a safety vest bearing the UAW logo. The ALJ concluded that the Employer cured the statement pursuant to the standard announced in *Passavant Memorial Area Hospital*, 237 NLRB 138 (1978). (ALJ Decision p. 8, ll 16-32). The Judge's decision is contrary to the applicable law.

2. The Administrative Law Judge's failure to order the Employer to reimburse the Teamsters for dues that would have been remitted to them had the Employer recognized the Teamsters as the bargaining representative of its employees, as it was legally required to do. (ALJ Decision, pp. 29-30, ll 11-49).

3. The Administrative Law Judge's failure to order the Employer to reimburse the difference in taxes owed upon receipt of a lump-sum payment and to submit documentation to the Social Security Administration so that back pay would be allocated to appropriate periods. (ALJ Decision p. 30, ll 35-39)

4. The Administrative Law Judge erred by not specifically including in his findings that Voith's established hiring procedure limited hiring and considering for hire, not only the former Auto Handling employees, but also similarly situated employees affiliated with Teamsters 89. (ALJ Decision p. 22, ll 14-19)

5. The Administrative Law Judge erred in his remedial section by failing to include in his remedy a statement consistent with his conclusion of law that Voith's unlawful plan to exclude from hire included other Teamster affiliated applicants, and by failing to recommend that Voith immediately offer employment and provide a make whole remedy to all other Teamster affiliated applicants, and to all 166 former employees of the predecessor, not merely those listed on

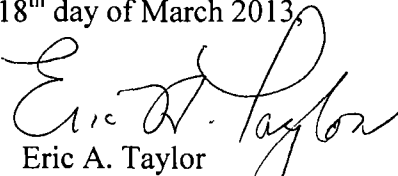
Attachment A, as reflected by the Auto Handling seniority list for vehicle processors at the LAP.  
(G.C. Ex. 6) (ALJ Decision p. 29, ll 15 - 25)

6. The Administrative Law Judge erred in his remedial section by failing to require that Voith not only consider for hire, but also hire, Teamsters affiliated applicants as there were positions available for all the applicants, and Voith, or its agent Aerotek, hired untrained and unskilled employees to fill these positions. (ALJ Decision p. 30, ll 8 - 13)

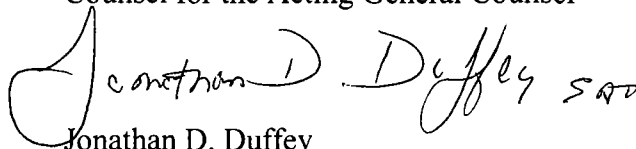
7. The Administrative Law Judge erred in his order by failing to require Voith to cease and desist from refusing to hire not only the former employees of the predecessor Auto Handling, but also to cease and desist from refusing to hire the similarly situated Teamsters affiliated applicants. (ALJ Decision p. 31, ll 14 - 16)

8. The Administrative Law Judge erred in his order by failing to specifically require Voith affirmatively offer employment to the former employees of the predecessor who are not listed on Attachment A to the Complaint, but who are listed on the Auto Handling seniority list. (ALJ Decision p. 32, ll 14 - 16)

Respectfully submitted this 18<sup>th</sup> day of March 2013,



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